

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ZACH HILLESHEIM, and MELANIE  
DAVIS,

Plaintiffs,

vs.

KANEKO, and 1111 JONES STREET,  
LLC,

Defendants.

**8:18CV139**

**ORDER**

On June 7, 2018, Plaintiffs filed an unopposed motion ([Filing No. 17](#)) to extend their deadline to file a brief in opposition to Defendants' Motion to Dismiss, ([Filing No. 13](#)). On June 8, 2018, Plaintiffs filed their first amended complaint. ([Filing No. 18](#)).

Plaintiffs' amended complaint was properly filed, as a matter of course, in compliance with [Fed. R. Civ. P. 15\(a\)](#). And because Plaintiffs' amended complaint was properly filed, it supersedes the original complaint as the operative pleading. [Titus v. Stanton Cty., Neb., 2013 WL 4546566, at \\*4 \(D. Neb. 2013\)](#) (“[t]here is no dispute an amended pleading supersedes the original pleading in all respects”). As such, Defendants' motion to dismiss ([Filing No. 13](#)) is rendered moot. [Bernhardt v. Johns, 2009 WL 971443, at \\*1 \(D. Neb. 2009\)](#) (“a motion to amend the complaint render[s] moot a pending motion to dismiss”) (internal quotation omitted).

Accordingly,

IT IS ORDERED that Defendants' motion to dismiss ([Filing No. 13](#)) and Plaintiffs' motion to extend ([Filing No. 17](#)), are denied as moot.

Dated this 8th day of June, 2018.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge